

MAYFLOWER ARBITRATION TRIBUNAL

DEPARTMENT OF JUSTICE

JACKIESKOVGAARD

Claimant,

vs.

Case No. 4:24-ADR-24003/ACT

SN0KE5 AND SINISTERINFERNAL

Respondent.

**MEMORANDUM OPINION AND ORDER DISMISSING
RESPONDENT**

JackiesKovgaard, Claimant in the above-titled matter.

Axlrod, *Esq.*, attorney for the Claimant in the above-titled matter.

SinisterInfernal (“Respondent B”), Staff Sergeant within the State of Mayflower National Guard and named as Respondent in the above-titled matter.

sn0ke5 (“Respondent C”), Major within the State of Mayflower National Guard and named as Respondent in the above-titled matter.

Polyrabies, *Esq.*, attorney for Respondent SinisterInfernal in the above-titled matter.

ACTXRZ, Chief Arbiter, Mayflower Arbitration Tribunal:

This matter arises from the events that transpired on the 16th day of November, 2024, when JackieSkovgaard (“Claimant”) was working as an on-duty taxi driver with two passengers in their vehicle. Claimant proceeded to lawfully park the taxi next to the Lander City Berginson Armory on Capitol Hill. Respondent C, acting in his official capacity as Major of the 13th Infantry Battalion, approached the taxi and forcibly removed Claimant from the vehicle.

Respondent C detained Claimant without providing a cause and restricted his movement.

During the detention, the two passengers of the taxi exited the vehicle and engaged in a firefight with both Respondent B and Respondent C. As a result, Claimant sustained injuries from gunfire while detained, and Respondent C was killed during the firefight. After the gunmen were taken down, Respondent B took custody of Claimant, moved him inside the Berginson Armory, failed to provide an explanation for Claimant's detention, and accused Claimant of membership in the MLF without evidence.

Claimant asserts claims of False Imprisonment under 5 M.S.C. 1 § 3101.3 against Respondent B, and Negligence under 5 M.S.C. 1 § 3102.1 against both Respondents B and C.

Claimant claims that Respondent B wrongfully detained him without providing a cause or legal justification. The Claimant contends that, although a previous detainment occurred, no evidence existed to justify the continuation of this detention or the accusation of MLF membership. Claimant argues that B's actions amount to false imprisonment, as defined in 5 M.S.C. 1 § 3101.3, which prohibits the unlawful restriction of an individual's liberty without legal cause.

Claimant claims that both Respondent B and Respondent C were negligent in their actions leading to Claimant's detention and injury. Under 5 M.S.C. 1 § 3102.1, negligence is defined as the failure to exercise reasonable care, which Claimant argues was demonstrated by both Respondents in their handling of the situation.

Upon review of the facts, the tribunal finds that the claim of False Imprisonment against Respondent B lacks sufficient evidence to proceed. While Claimant asserts that B detained him without cause and failed to provide an explanation for the detention, there is no definitive proof in the record that Claimant's detention was unlawful under the circumstances. Additionally, Claimant had previously acknowledged being part of a street gang, though not an Arrest-on-Site, and was not definitively entitled to immunity from detention absent specific criminal activity or a uniform.

Furthermore, the Supreme Court has long held that law enforcement officers are permitted to stop and detain individuals based on reasonable suspicion. The Court held, "a policeman who lacks probable cause but whose 'observations lead him reasonably to suspect' that a particular person has committed, is committing, or is about to commit a crime, may detain that person briefly in order to 'investigate the circumstances that provoke suspicion.'" *United States v. Brignoni-Ponce*, 422 U.S. 873, 881 (1975). (see *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984). The court further held that, "the stop and inquiry must be 'reasonably related in scope to the justification for their initiation.'" *Ibid.* (quoting *Terry v. Ohio, supra*, at 29.) Typically, this means that the officer may ask the detainee a moderate number of questions to determine their identity and try to obtain information confirming or dispelling the officer's suspicions. In this matter, Respondent B nor Respondent C had ample time to secure the safety of the Claimant and others in the vicinity before conducting any questioning. The chaotic nature of the incident, including the firefight initiated by the Claimant's passengers, necessitated immediate action to neutralize threats and secure the area.

Given the circumstances, the actions of Respondent B in detaining the Claimant were reasonably related to the justification for their initiation.

Respondent B acted within the scope of authority permitted by the Fourth Amendment, as the detention was based on reasonable suspicion of potential criminal activity and was conducted in the interest of public safety.

While the actions of Respondent C, as Major of the 13th Infantry Battalion, are certainly questionable, the facts do not establish sufficient evidence of negligence on the part of Respondent B in relation to the incident. The firefight and resulting injuries were precipitated by the actions of Claimant's passengers, and there is no evidence to suggest that B's conduct was grossly negligent or directly caused the harm suffered by Claimant.

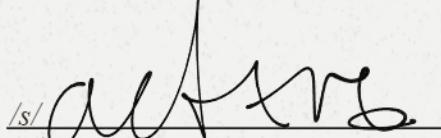
The claim of Negligence against both Respondents also fails to meet the necessary legal threshold under 5 M.S.C. 1 § 3102.1. The conduct of Respondent C, while potentially reckless in nature, does not meet the legal definition of negligence under the statute, as the cause of the firefight was not initiated by C or B, but rather by A's passengers. Furthermore, the claim against B fails to establish that his actions directly contributed to the injury sustained by A beyond the context of his detention, which was itself questionable but not necessarily unlawful under the circumstances.

* * * *

For the reasons set forth above, the claims filed against Respondent B of False Imprisonment and Negligence are hereby dismissed. There is insufficient evidence to sustain either claim against Respondent B, and the tribunal finds that the actions of Respondent B do not meet the threshold for further arbitration proceedings.

Respondent SinisterInfernal (B) is hereby dismissed from the arbitration, and all claims against him are dismissed.

SO ORDERED THIS FIFTEENTH DAY OF DECEMBER, TWO THOUSAND AND TWENTY-FOUR.


/s/
actxrz
Chief Arbiter
Arbitration Tribunal
Department of Justice
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